

Amend Env-Wm 110.01(c), eff. 8-1-00 (doc #7333), by inserting a new subparagraph (5) and renumbering the remaining subparagraphs so that, for example subparagraph (6) will become (7):

(5) "Antifreeze" means an ethylene glycol or propylene glycol based material that is full strength or diluted with only water for use as protection against freezing, overheating, and corrosion of the cooling system of an internal combustion engine.

Amend Env-Wm 110.01(c), eff. 8-1-00 (doc #7333), by inserting a new subparagraph (8) and renumbering the remaining subparagraphs so that, for example subparagraph (9) will become (10):

(9) "Battery" means a device consisting of one or more electrically connected electrochemical cells that are designed to receive, store, and deliver electric energy. The term "battery" includes an intact, unbroken battery from which the electrolyte has been removed;

Amend Env-Wm 110.01(c), eff. 8-1-00 (doc #7333), by inserting a new subparagraph (13) and renumbering the remaining subparagraphs so that, for example subparagraph (14) will become (15):

(13) "Cathode ray tube" means a glass tube used to provide the visual display in televisions, computer monitors, and certain scientific instruments, such as for example, oscilloscopes;

Amend Env-Wm 110.01(c), eff. 8-1-00 (doc #7333), by inserting a new subparagraph (34) and renumbering the remaining subparagraphs so that, for example subparagraph (35) will become (36):

(34) "Electrochemical cell", for the purposes of (b)(9) above, means a system consisting of an anode, cathode, and an electrolyte, plus such connections, electrical and mechanical, as may be needed to allow the cell to deliver or receive electrical energy;

Amend Env-Wm 110.01(c), eff. 8-1-00 (doc #7333), by inserting a new subparagraph (56) and renumbering the remaining subparagraphs so that, for example subparagraph (57) will become (58):

(56) "Handler" means a universal waste handler;

Amend Env-Wm 110.01(c), eff 7-7-00 (doc #7317), by deleting subparagraph (60) and renumbering the remaining subparagraphs so that, for example Env-Wm 110.01(b)(61) will become Env-Wm 110.01(c)(60):

Amend Env-Wm 110.01(c), eff. 8-1-00 (doc #7333), by inserting a new subparagraph (70) and renumbering the remaining subparagraphs so that, for example subparagraph (71) will become (72):

(70) "Lamp" means the bulb or tube portion of an electrical lighting device specifically designed to produce radiant energy, most often in the ultraviolet (UV), visible, and infra-red (IR) regions of the electromagnetic spectrum and includes, but is not limited to:

- a. Fluorescent;
- b. High intensity discharge;

- c. Neon, mercury vapor;
- d. High pressure sodium; and
- e. Metal halide lamps;

Amend Env-Wm 110.01(c), eff. 8-1-00 (doc #7333), by inserting a new subparagraph (78) and renumbering the remaining subparagraphs so that, for example subparagraph (79) will become (80):

(78) "Mercury-containing device" means any product or component, excluding batteries and lamps, which contains elemental mercury necessary for its operation and housed within an outer casing and the term includes, but is not limited to:

- a. Thermostats;
- b. Intact mercury-containing ampules;
- c. Thermocouples;
- d. Thermometers;
- e. Manometers;
- f. Barometers;
- g. Sphygmomanometers;
- h. Electric switches and relays;
- i. Gas flow regulators; and
- j. Water meters;

Amend Env-Wm 110.01(c), eff. 8-1-00 (doc #7333), by inserting a new subparagraph (92) and renumbering the remaining subparagraphs so that, for example subparagraph (93) will become (94):

(92) "Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant, or desiccant but the term does not include any article that:

- a. Is a new animal drug within the meaning of Federal Food, Drug and Cosmetic Act (FFDCA) section 201(w); or
- b. Has been determined by the Secretary of the United States Department of Health, Education and Welfare not to be a new animal drug by a regulation establishing conditions of use for the article; or
- c. Is an animal feed within the meaning of FFDCA section 201(x).

Amend Env-Wm 110.01(c), eff. 8-1-00 (doc #7333), by inserting a new subparagraph (123) and renumbering the remaining subparagraphs so that, for example subparagraph (124) will become (125):

(123) "Thermostat" means a temperature control device that contains metallic mercury in an ampule;

Amend Env-Wm 110.01(c)(131), eff 7-7-00 (doc #7317), to read as follows:

(131) "Treatment" means "treatment" as defined in RSA 147-A:2, XVII namely, "any process, including neutralization, designed to change the physical, chemical or biological character or composition of any hazardous waste so as to neutralize the waste or to render the waste not hazardous, safer for transport, amenable to recovery, amenable to storage or reduced in volume", and the term includes the recovery of energy or residual resources from the waste;

Amend Env-Wm 110.01(c), eff. 8-1-00 (doc #7333), by inserting a new subparagraph (134) and renumbering the remaining subparagraphs so that, for example subparagraph (135) will become (136):

(134) "Universal waste" means any of the following hazardous wastes that may be managed in accordance with Env-Wm 1100 in lieu of Env-Wm 300 through Env-Wm 700:

- a. Batteries;
- b. Pesticides;
- c. Mercury-containing devices, including thermostats;
- d. Lamps;
- e. Cathode ray tubes; and
- f. Antifreeze.

Amend Env-Wm 110.01(c), eff. 8-1-00 (doc #7333), by inserting a new subparagraph (135) and renumbering the remaining subparagraphs so that, for example subparagraph (136) will become (137):

(135) "Universal waste handler" means:

- a. A generator of universal waste; or
- b. The owner or operator of a facility, including all contiguous property, who:
 - 1. Receives universal waste from other universal waste handlers;
 - 2. Accumulates universal waste; or
 - 3. Sends universal waste to another universal waste handler, a destination facility, or a foreign destination.

Amend Env-Wm 110.01(c), eff. 8-1-00 (doc #7333), by inserting a new subparagraph (136) and renumbering the remaining subparagraphs so that, for example subparagraph (137) will become (138):

(136) "Universal waste transfer facility" means any transportation-related facility including loading docks, parking areas, storage areas and other similar areas where shipments of universal waste are held during the normal course of transportation for 10 days or less;

Amend Env-Wm 110.01(c), eff. 8-1-00 (doc #7333), by inserting a new subparagraph (137) and renumbering the remaining subparagraphs so that, for example subparagraph (138) will become (139):

(137) "Universal waste transporter" means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water;

Adopt Env-Wm 216, to read as follows:

PART Env-Wm 216 RULEMAKING PETITIONS

Env-Wm 216.01 Rulemaking Petitions. Any person may petition the commissioner to amend or repeal any provision in the hazardous waste rules in accordance with Env-C 207 and 40 CFR 260.20, 7-1-00 edition.

Amend Env-Wm 351.03, eff. 8-1-00 (doc #7333), by adding new paragraph (i), (j) (k), and (l) to read as follows:

(i) The rules in Env-Wm 353 shall not apply to universal waste handlers and universal waste transporters handling universal waste, provided that the waste is managed in accordance with Env-Wm 1100.

(j) A government entity that receives household hazardous waste from another government entity shall be exempt from facility permitting requirements provided it ships the household hazardous waste off-site within 90 days after receipt.

(k) For the duration of the emergency response only, a person shall not be required to obtain a permit for treatment or containment activities taken during immediate response to any of the following situations:

- (1) An unplanned discharge of a hazardous waste;
- (2) An imminent and substantial threat of a discharge of hazardous waste; or
- (3) A discharge of a material which, when discharged, becomes a hazardous waste.

(l) Any person who continues or initiates hazardous waste treatment or containment activities after the emergency response is over shall be subject to all applicable permitting requirements for those activities.

Amend Env-Wm 353.04(a) through (c), eff. 8-1-00 (doc #7333), to read as follows:

(a) The regulations of Env-Wm 353.04 shall apply to owners and operators of elementary neutralization units and wastewater treatment units provided that, in the case of elementary neutralization units which are transport vehicles, vessels or containers used to transport the waste after neutralization, neutralization occurs in these units while they remain stationary and before transport of the neutralized waste begins.

(b) The requirements of this section shall not apply to the owner or operator of an elementary neutralization or wastewater treatment unit who is a small quantity generator as described in Env-Wm 503.01.

(c) A limited permit shall be granted if the applicant meets the conditions specified in Env-Wm 353.04(b) through (o).

Amend Env-Wm 353.04(g)(6), eff. 8-1-00 (doc #7333), to read as follows:

(6) The operator shall record inspections in an inspection log;

Amend Env-Wm 353.04(g)(7), eff. 8-1-00 (doc #7333), to read as follows:

(7) The inspection records required by (g)(6) above shall include, at a minimum, the following:

- a. The date and time of each inspection;
- b. The name of the inspector;
- c. A recording of the observations made; and
- d. The date and nature of any repairs or other remedial actions taken as a result of inspection observations; and

Amend Env-Wm 353.04(g), eff. 8-1-00 (doc #7333), by adding new subparagraph (8) to read as follows:

(8) The inspection log required by (g)(6) above shall be maintained for at least 3 years from the date of each inspection.

Amend Env-Wm 353.04 (k)(6), eff. 8-1-00 (doc #7333), to read as follows:

- (6) Complies with the record keeping and reporting requirements of Env-Wm 512 and Env-Wm 705.

Amend Env-Wm 401.03(b)(1), eff. 8-1-00 (doc #7333), to read as follows:

- (1) Household wastes, including household wastes treated or recovered, sanitary wastes from septic tanks, and sanitary wastes, except that household hazardous wastes collected as part of a household hazardous waste collection project, including curbside collection or accumulation at a solid waste facility regulated under RSA 149-M or at a commercial facility, shall be managed in accordance with Env-Wm 500;

Amend Env-Wm 401.03(b), eff. 8-1-00 (doc #7333), by adding new subparagraph (22), to read as follows:

- (22) Manufactured gas plant contaminated media and debris that:
 - a. Fail the test for the toxicity characteristic of hazardous waste number D018 only, as set forth in Env-Wm 403.06; and
 - b. Are treated in an incinerator or a thermal desorption unit that is authorized under the destination state's rules; and

Amend Env-Wm 401.03(b), eff. 8-1-00 (doc #7333), by adding new subparagraph (23), to read as follows:

- (23) Wood ash from the burning of wood products which is only hazardous due to the corrosivity characteristic as set forth in Env-Wm 403.04(b)(3).

Amend Env-Wm 401.03(c), eff. 8-1-00 (doc #7333), to read as follows:

- (d) For the purposes of (a)(2) above, "wastewater discharges" means industrial point source discharges in compliance with regulations under Section 402 of the Clean Water Act, as amended.

Amend Env-Wm 401.03, eff. 8-1-00 (doc #7333), by adding new paragraph (j), to read as follows:

- (j) For the purposes of (b)(1) above, "household wastes" means any waste derived from households, including, but not limited to:

- (1) Single and multiple residences;
- (2) Motels, hotels;

- (3) Bunkhouses;
- (4) Ranger stations;
- (5) Crew quarters, campgrounds;
- (6) Picnic grounds; and
- (7) Day use recreation areas.

Amend Env-Wm 404.01(a)(1), eff. 8-1-00 (doc #7333), to read as follows:

- (1) Any waste or material, mixed with any waste listed in Env-Wm 402.04, Env-Wm 402.05(b), Env-Wm 402.06(a) or Env-Wm 402.07(a); or

Amend Env-Wm 501.02, eff. 8-1-00 (doc #7333), by adding paragraphs (d) and (e) to read as follows:

(d) The rules in Env-Wm 507, Env-Wm 508, Env-Wm 509, Env-Wm 511 and Env-Wm 513 shall not apply to transporters while they are collecting only curbside household hazardous waste.

(e) The rules in Env-Wm 500, except for Env-Wm 502.01, shall not apply to universal waste handlers and universal waste transporters handling universal waste, provided that the waste is managed in accordance with Env-Wm 1100.

Amend Env-Wm 503.03(d), eff. 8-1-00 (doc #7333), to read as follows:

- (d) Spent lead acid batteries managed under the requirements of Env-Wm 809;

Amend Env-Wm 503.03, eff. 8-1-00 (doc #7333), by adding new paragraph (h), to read as follows:

- (h) Universal waste, as described in Env-Wm 1100.

Amend Env-Wm 504.02(a), eff. 8-1-00 (doc #7333), to read as follows:

(a) Notification shall be given by completing and filing with the department a New Hampshire notification form, except as otherwise stipulated in Env-Wm 505.03 or Env-Wm 505.04, or in (d) below.

Amend Env-Wm 504.02(d) and (e), eff. 8-1-00 (doc #7333), to read as follows:

(d) A generator shall notify the department verbally or in writing of any changes to the information provided in Env-Wm 504.02(b)(1), (2), (4), (7), (8), or (9) within 30 days of the effective date of any change.

(e) A New Hampshire notification form shall be completed for any changes to the information required in Env-Wm 504.02(b)(3), (5), or (6) within 30 days of the effective date of any change.

Re-adopt with amendment Env-Wm 505.01, eff. 8-1-00 (doc #7333), to read as follows:

Env-Wm 505.01 Identification Numbers. A generator shall not treat, store, dispose, transport, or offer a hazardous waste for transportation without having received from the department:

- (a) An EPA identification number;
- (b) If the criteria of Env-Wm 505.03(a) and Env-Wm 505.03(b) are met, an emergency or temporary identification number; or
- (c) If the criteria of Env-Wm 505.04(b) are met, a New Hampshire identification number.

Amend Env-Wm 505.02(a), eff. 8-1-00 (doc #7333), to read as follows:

(a) An EPA identification number shall be issued to all generators that submit a notification form that meets the requirements of Env-Wm 504.02.

Readopt with amendment Env-Wm 505.04, eff. 8-1-00 (doc #7333), to read as follows:

Env-Wm 505.04 New Hampshire Identification Numbers.

- (a) A New Hampshire identification number may be obtained in situations where an EPA identification number is not required.
- (b) A New Hampshire identification number shall be issued to the following persons:
 - (1) Generators who transport their own hazardous waste in accordance with Env-Wm 600;
 - (2) Generators who only generate hazardous waste with a NH hazardous waste number;
 - (3) Generators of less than 100 kilograms per month of a waste that is reclaimed under a contractual agreement whereby:
 - a. The type of waste and frequency of shipments are specified in the agreement;

b. The vehicle used to transport the waste to the recycling facility and to deliver the regenerated material back to the generator is owned and operated by the reclaimer of the waste; and

c. The generator agrees to keep a copy of the reclamation agreement for at least 3 years after the termination or expiration of the agreement; or

(4) Generators of household hazardous waste collected as part of a household hazardous waste collection project as described in Env-Wm 401.03(b)(1).

(c) A New Hampshire identification number that is site-specific shall be obtained by contacting the department, verbally or in writing, and providing the information specified in Env-Wm 505.03(c).

(d) Generators who are transporters collecting curbside household hazardous waste shall obtain a New Hampshire identification number that is non-site specific by contacting the department, verbally or in writing, at least 30 days prior to the collection, and providing the following information:

(1) The company name;

(2) The company mailing address;

(3) A contact person, title, and telephone number;

(4) The name of the company owner;

(5) A description of the regulated activity;

(6) A description of the area(s) to be serviced;

(7) The start date and expected completion date of the collection; and

(8) The waste handling instructions provided by the transporter to the household specifying how the household should handle its waste prior to acceptance by the transporter.

(e) New Hampshire identification numbers shall remain valid until the generator has:

(1) Notified the department, verbally or in writing, that operations have ceased and that hazardous wastes are no longer generated on-site; or

(2) Obtained an EPA identification number.

Readopt with amendment Env-Wm 507.02, eff. 8-1-00 (doc #7333), to read as follows:

Env-Wm 507.02 Storage Time Requirements.

(a) A generator may without a permit accumulate, in a container or tank, hazardous waste that is generated on-site provided that the wastes are shipped off-site within 90 days of the date when accumulation of the waste first began except as provided in Env-Wm 508.02, Env-Wm 508.03, Env-Wm 509.03, and (c) below.

(b) Except as provided in Env-Wm 508.02, Env-Wm 508.03, Env-Wm 509.03, and (c) below, a generator who accumulates hazardous waste for greater than 90 days shall be deemed an operator of a storage facility and be subject to all facility requirements as provided in Env-Wm 300 and Env-Wm 700 unless the generator has been granted by the department:

- (1) A waiver to the 90 day period as provided in Env-Wm 212; or
- (2) An extension to the 90-day period.

(c) A generator of wastewater treatment sludges from electroplating operations that meet the hazardous waste code F006 pursuant to Env-Wm 401.02 may accumulate F006 waste for more than 90 days, but not more than 180 days, provided the criteria of 40 CFR 262.34(g), 7-1-01 edition, are met.

(d) A generator who accumulates F006 waste on-site for greater than 180 days or who accumulates more than 20,000 kilograms of F006 waste on-site shall be deemed an operator of a storage facility and be subject to all facility requirements as provided in Env-Wm 300 and Env-Wm 700 unless the generator has been granted by the department:

- (1) A waiver, as provided in Env-Wm 212, to the 20,000 kilograms limit if the limit will be exceeded due to unforeseen, temporary, and uncontrollable circumstances; or
- (2) An extension to the 180 day period.

(e) A generator may submit a written request for an extension pursuant to (b)(2) or (d)(2) above, explaining the circumstances warranting such an extension.

(f) The department shall grant an extension pursuant to (b)(2) or (d)(2) above if hazardous wastes will remain on-site due to unforeseen, temporary, and uncontrollable circumstances.

(g) An extension granted by the department pursuant to (b)(2) or (d)(2) above shall be limited to 30 days.

Amend Env-Wm 507.03(a), eff. 8-1-00 (doc #7333), to read as follows:

(a) Except as provided at Env-Wm 509.03, the generator shall comply with the following packaging, labeling and pre-transport requirements while storing hazardous wastes:

(1) Containers and tanks used for the storage of hazardous wastes shall be clearly labeled or marked with the following information at the time they are first used to store wastes:

- a. The beginning accumulation date;
- b. The words "hazardous waste";
- c. Words that identify the contents of the container; and
- d. The EPA or state waste number, as applicable; and

(2) Hazardous waste labels shall not be hidden by walls or other containers.

Amend Env-Wm 508.03, eff. 8-1-00 (doc #7333), by adding new paragraph (j) to read as follows:

(j) In lieu of the requirement in Env-Wm 507.03(a)(1)a., containers and tanks used for the storage of hazardous waste shall be clearly labeled or marked with the date the on-site accumulation limit of 1000 kilograms of non-acute hazardous waste is reached.

Readopt with amendment Env-Wm 509.03, eff. 8-1-00 (doc #7333), to read as follows:

Env-Wm 509.03 Full Quantity Generator Satellite Storage Provision. A full quantity generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in Env-Wm 402.04 in containers at or near any point of generation where wastes initially accumulate without a standard permit or interim status and without complying with the 90 day time limit specified in Env-Wm 507.02(a) and the container labeling and marking requirements of Env-Wm 507.03(a)(1), provided that:

(a) The hazardous waste container(s) are under the control of the operator of the process generating the waste;

(b) The operator of the process generating the hazardous waste has been trained as specified in Env-Wm 509.02(a)(2), except that, in lieu of the annual training requirements specified in 40 CFR 265.16, the training interval shall be 3 years;

(c) The environmental and health requirements of Env-Wm 506 are met;

(d) The storage requirements of Env-Wm 507.01 are met;

(e) Incompatible wastes are separated pursuant to 40 CFR 265.177(c), 7-1-01 edition;

(f) A minimum of 2 feet aisle space is maintained to allow for inspection of at least one side of each container;

(g) At the time the container(s) are first used to store wastes, the hazardous waste container(s) are clearly labeled or marked with the words "hazardous waste" and with words that identify the contents of the container(s);

(h) For satellite storage areas that have accumulated greater than 10 gallons of hazardous waste, the container(s) are inspected at least monthly for leaks and for deterioration caused by corrosion and other factors; and

(i) When the amount of hazardous waste in a satellite storage area reaches the accumulation limit specified in this section, the generator:

- (1) Immediately labels or marks the hazardous waste container(s) with the following:
 - a. The date the accumulation limit was reached; and
 - b. The EPA or state waste number, as applicable;
- (2) Moves the hazardous waste to a designated hazardous waste storage area within 3 days of reaching the accumulation limit; and
- (3) Ships the hazardous waste off-site within 90 days of the date the accumulation limit was reached.

Amend Env-Wm 510.03(i), eff. 8-1-00 (doc #7333), to read as follows:

- (i) For manifest item J:
 - (1) The chemical name;
 - (2) Constituent percentages for any hazardous waste which has a DOT shipping name ending in "n.o.s.";
 - (3) The chemical name, constituent percentages and physical state for wastes which do not have a DOT shipping name;
 - (4) The specific gravity or weight per unit volume for wastes shipped in units of volume;
 - (5) Any other applicable EPA or New Hampshire waste numbers;
 - (6) The words "to be recycled" for wastes that are destined for recycling and are exempt from the hazardous waste clean up fee according to RSA 147-B:9, III;
 - (7) The words "POTW Sludge-Exempt" for wastes that are exempt from the hazardous waste cleanup fees according to RSA 147-B:9, I;

(8) The words “MSW Ash-Exempt” for wastes that are exempt from the hazardous waste cleanup fees according to RSA 147-B:9, II;

(9) The words “Shooting Range-Exempt” or “Firing Range-Exempt” for wastes that are exempt from the hazardous waste cleanup fees according to RSA 147-B:9, V.

Amend Env-Wm 512.01(a)(2), eff. 8-1-00 (doc #7333), to read as follows:

(2) A copy of each quarterly activity report, for 3 years from the due date of the report;

Amend Env-Wm 512.02(g)(5), eff. 8-1-00 (doc #7333), to read as follows:

(5) For wastes resulting from the remediation of contaminated properties which are claiming the exemption in RSA 147-B:9, IV from the hazardous waste cleanup fund fees, a brief description of the efforts undertaken to remediate the contaminated property, including the details of the eligibility criteria found in RSA 147-B:9, IV, shall be accepted in lieu of the fee payment due to the State of New Hampshire;

Amend Env-Wm 512.02(j), eff. 8-1-00 (doc #7333), to read as follows:

(j) Fees required by RSA 147-B:8 and 147-B:9 shall be assessed as follows:

(1) The assessed weight of hazardous wastes shall be calculated from information written on the generator's manifests; and

(2) If the generator inadvertently omits the notation “to be recycled” in manifest item J as required by Env-Wm 510.03(i)(7), the hazardous waste shall not be exempt from the fee unless the generator corrects the error by having the receiving facility submit a certification to the department that the waste was or will be recycled.

Amend Env-Wm 512.02(k), eff. 8-1-00 (doc #7333), to read as follows:

(k) Failure to submit the quarterly activity report or to enclose the fees due as specified in paragraph (j) above, shall result in the assessment of penalties and interest pursuant to RSA 147-B:8.

Amend Env-Wm 512.02 (l), eff. 8-1-00 (doc #7333), to read as follows:

(l) Pursuant to RSA 147-B:9, the wastes listed in RSA 147-B:9 shall be exempt from the fees assessed under RSA 147-B:8.

Amend Env-Wm 512.02, eff. 8-1-00 (doc #7333), by adding new paragraph (m) to read as follows:

(m) Fees paid by check or money order shall be:

- (1) Made out to the Treasurer, State of New Hampshire; and
- (2) Delivered or mailed to the department.

Amend Env-Wm 513.01(a)(2), eff. 8-1-00 (doc #7333), to read as follows:

(2) Immediately, not to exceed one hour from the discovery of the release, to the department's emergency response telephone number at 603-271-3899, Monday through Friday, 8 a.m. to 4 p.m. or the New Hampshire department of safety telephone number at 1-800-346-4009 or 603-271-3636, 24 hours/day.

Amend Env-Wm 601.02, eff. 8-1-00 (doc #7333), by adding new paragraph (d) to read as follows:

(d) The rules in Env-Wm 600 shall not apply to universal waste handlers and universal waste transporters transporting universal waste, provided that the waste is managed in accordance with Env-Wm 1100.

Amend Env-Wm 603.10(a), eff. 8-1-00 (doc #7333), to read as follows:

(a) All hazardous waste transporters shall maintain a written current contingency plan and emergency procedures, as specified in (b) below.

Amend 701.02(a)(5), eff. 8-1-00 (doc #7333), to read as follows:

(5) A transporter who stores manifested shipments of hazardous waste in containers meeting the requirements of 40 CFR 262.30, 7-1-01 edition, for a period of less than 10 days, provided that the wastes are enroute to the facility designated on the manifest, and that all wastes remain on the registered vehicle and wastes are not transferred or removed from the vehicle;

Amend Env-Wm 701.02(a), eff. 8-1-00 (doc #7333), by adding new subparagraph (11) to read as follows:

(11) A government entity that receives household hazardous waste from another government entity provided the household hazardous waste is shipped off-site within 90 days after receipt.

Amend Env-Wm 701.02(a), eff. 8-1-00 (doc #7333), by adding new subparagraph (12), to read as follows:

(12) A universal waste handler or a universal waste transporter handling universal waste, provided that the waste is managed in accordance with Env-Wm 1100.

Readopt with amendment Env-Wm 701.03, eff. 8-1-00 (doc #7333), to read as follows:

Env-Wm 701.03 Prohibitions.

- (a) Underground injection of hazardous waste shall be prohibited.
- (b) Wastes with EPA Hazardous Waste Numbers, F020, F021, F022, F023, F026, and F027 shall not be managed at facilities subject to Env-Wm 707, unless:
 - (1) The wastewater treatment sludge is generated in a surface impoundment as a part of the plant's wastewater treatment system;
 - (2) The waste is stored in tanks or containers;
 - (3) The waste is stored or treated in waste piles that meet the requirements of Env-Wm 708.03(d)(4);
 - (4) The waste is burned in an incinerator that is certified pursuant to the standards and procedures in Env-Wm 707.03(a); or
 - (5) The waste is burned in a facility that thermally treats the waste in a device other than an incinerator and that is certified pursuant to the standards and procedures in Env-Wm 707.03(h).

Readopt with amendment Env-Wm 707.02, eff. 8-1-00 (doc #7333), to read as follows:

Env-Wm 707.02 Operation Requirements.

- (a) Operators of existing facilities shall comply with the following operation requirements as set forth under 40 CFR 265, 7-1-01 edition:
 - (1) 40 CFR 265.12, Required notices;
 - (2) 40 CFR 265.13, General waste analysis;
 - (3) 40 CFR 265.14, Security;
 - (4) 40 CFR 265.15, General inspection requirements;
 - (5) 40 CFR 265.16, Personnel training;

- (6) 40 CFR 265.17, General requirements for ignitable, reactive, or incompatible wastes, 40 CFR 265, including those listed in Appendix V;
- (7) 40 CFR 265.19, Construction quality assurance program;
- (8) 40 CFR 265, Subpart C - Preparedness and prevention, except that for transfer facilities, aisle space requirements shall not apply to waste containers stored in a vehicle used to transport that waste;
- (9) 40 CFR 265, Subpart D - Contingency plan and emergency procedures;
- (10) 40 CFR 265, Subpart F - Groundwater monitoring;
- (11) 40 CFR 265, Subpart G - Closure and post-closure; and
- (12) 40 CFR 265, Subpart H - Financial requirements.

(b) In lieu of the negative assurance as required by 40 CFR 265.143(e)(3)(iii)(B), identified in (a)(12) above, the department shall accept a certified public accountant's (CPA) report describing the procedures performed and related findings, including whether or not there were discrepancies found in the comparison.

(c) The report described in (b) above shall be based on the procedures performed in accordance with the American Institute of Certified Public Accountants, Inc.'s "Statement on Auditing Standards Number 75, Engagements to Apply Agreed Upon Procedures to Specified Elements, Accounts or Items of a Financial Statement, published September 1995."

(d) The department shall regard the report described in (b) above as satisfying the requirements of the financial test or corporate guarantee for a special report by an independent CPA on the CPA's report.

(e) The liability insurance required pursuant to 40 CFR 265.147(b)(1), identified in (a)(12) above, shall be as specified in 40 CFR 264.147(b)(1)(i) and (ii).

Readopt with amendment Env-Wm 708.02, eff. 8-1-00 (doc # 7333), to read as follows:

Env-Wm 708.02 Operation Requirements.

(a) Operators of facilities shall comply with the following operation requirements as set forth under 40 CFR 264, 7-1-01 edition:

- (1) 40 CFR 264.12, Required notices;
- (2) 40 CFR 264.13, General waste analysis;
- (3) 40 CFR 264.14, Security;

- (4) 40 CFR 264.15, General inspection requirements;
- (5) 40 CFR 264.16, Personnel training;
- (6) 40 CFR 264.17, General requirements for ignitable, reactive, or incompatible wastes, including those listed in 40 CFR 264 Appendix V;
- (7) 40 CFR 264.18, Location standards, except that the provisions of Env-Wm 353.09(b) shall be applied in lieu of all flood mitigation provisions set forth in said location standards;
- (8) 40 CFR 264.19, Construction quality assurance program;
- (9) 40 CFR 264, Subpart C - Preparedness and prevention, for transfer facilities, aisle space requirements shall not apply to waste containers stored on vehicles used to transport that waste;
- (10) 40 CFR 264, Subpart D - Contingency plan and emergency procedures;
- (11) 40 CFR 264, Subpart F - Releases from solid waste management units;
- (12) 40 CFR 264, Subpart G - Closure and Post-Closure; and
- (13) 40 CFR 264, Subpart H - Financial Requirements.

(b) Documents required by (a)(13) above may be submitted in unsigned or signed form with the operator's standard permit or transfer facility permit application.

(c) If the documents required by (a)(13) above are submitted unsigned with a permit application, the operator shall submit the documents described in (b) above, signed:

- (1) Before a permit will be issued by the department for an existing facility; or
- (2) For a new facility, at least 60 days before hazardous waste is first received at the facility.

(d) In lieu of the negative assurance required by 40 CFR 265.143(e)(3)(iii)(B), identified in (a)(13) above, the department shall accept a certified public accountant's (CPA) report describing the procedures performed and related findings, including whether or not there were discrepancies found in the comparison.

(e) The report described in (d) above shall be based on the procedures performed in accordance with the American Institute of Certified Public Accountants, Inc.'s "Statement on Auditing Standards Number 75, Engagements to Apply Agreed Upon Procedures to Specified Elements, Accounts or Items of a Financial Statement, published September 1995."

Amend Env-Wm 802.02(b)(3), eff. 8-1-00 (doc #7333), to read as follows:

(3) Scrap metal being recycled that is not otherwise exempted under Env-Wm 401.03(a)(9);

Amend Env-Wm 802.02(b), eff. 8-1-00 (doc #7333), by adding new subparagraph (7) to read as follows:

(7) Mercury-containing dental amalgam waste generated by small quantity generators provided the waste is being recycled;

Amend Env-Wm 803.03(a)(2)b, eff. 8-1-00 (doc #7333), to read as follows:

b. Used to produce a fuel or is otherwise contained in fuels, in which cases the fuel itself shall remain a waste;

Amend Env-Wm 803.03, eff. 8-1-00 (doc #7333), by adding new paragraph (c) to read as follows:

(c) Notwithstanding (a)(2)b above, a commercial chemical product is not a waste if it is itself a fuel.

Amend Env-Wm 804.02(f), eff. 8-1-00 (doc #7333), to read as follows:

(f) Spent lead-acid motor vehicle batteries that are being reclaimed shall be managed in accordance with Env-Wm 809 or Env-Wm 1100.

Amend Env-Wm 807.02(b) Table 8.1, eff. 8-1-00 (doc #7333), to read as follows:

Table 8.1 Specification Used Oil Standards

Constituent/Property	Allowable Level (parts per million, dry weight basis)
Arsenic	5.0 parts per million maximum
Cadmium	2.0 parts per million maximum
Chromium	10 parts per million maximum
Lead	100 parts per million maximum
Flash point	100 degrees Fahrenheit minimum
Polychlorinated biphenyls (PCBs)	less than 2 parts per million
Total Halogens	1,000 parts per million maximum

Amend Env-Wm 807.03(a) Table 8.2, eff. 8-1-00 (doc #7333), to read as follows:Table 8.2 Off-Specification Used Oil Standards

Constituent/Property	Allowable Level (parts per million, dry weight basis)
Arsenic	18.0 parts per million maximum
Cadmium	10.0 parts per million maximum
Chromium	35 parts per million maximum
Lead	1,000 parts per million maximum
Flash Point	100 degrees Fahrenheit minimum

Amend Env-Wm 806.03, eff. 8-1-00 (doc #7333), to read as follows:

Env-Wm 806.03 Transporter Requirements. Transporters of hazardous waste fuel and of hazardous waste that is used to produce a fuel shall be subject to regulation under Env-Wm 600.

Amend Env-Wm 807.06(b)(12), eff. 8-1-00 (doc #7333), to read as follows:

(12) Subject to Env-Wm 807.06(b)(14), used oil shall be transported by duly registered hazardous waste transporters only, using a 3 copy bill of lading containing the information outlined in Env-Wm 807.06(b)(13);

Amend Env-Wm 807.10(b)(9)b, eff. 8-1-00 (doc #7333), to read as follows:

b. Copies of all used fuel analysis reports for 3 years from the date that the oil is received at the burner's facility; and

Amend Env-Wm 808.03, eff. 8-1-00 (doc #7333), to read as follows:

Env-Wm 808.03 Transporter Requirements. Persons who transport recyclable materials that are regulated under Env-Wm 808 shall be subject to the following requirements:

- (a) Notification requirements of Env-Wm 603;
- (b) Manifest requirements of Env-Wm 604;
- (c) Delivery requirements of Env-Wm 606; and
- (d) Registration requirements of Env-Wm 609.

Readopt with amendment Env-Wm 809, eff. 8-1-00 (doc #7333), to read as follows:

PART Env-Wm 809 SPENT LEAD-ACID BATTERIES BEING RECLAIMED

Env-Wm 809.01 Applicability.

(a) Env-Wm 809 shall apply to:

- (a) Persons who generate or collect spent lead-acid batteries destined for reclamation;
- (b) Persons who transport spent lead-acid batteries destined for reclamation; and
- (c) Persons who reclaim spent lead-acid batteries.

Env-Wm 809.02 Generators and Collectors. Persons who generate or collect spent lead-acid batteries destined for reclamation shall store the batteries in a manner designed to ensure that the battery housings do not break or leak acid onto the soil or into any groundwaters or surface waters, but shall not otherwise be subject to the hazardous waste rules.

Env-Wm 809.03 Transporter Requirements. Transporters of lead-acid batteries destined for reclamation shall:

- (a) Ensure that the batteries are loaded and braced so as to prevent damage and short circuits while in transit;
- (b) Comply with the DOT requirements specified in 49 CFR 173.159(e), 10-1-01 edition; and
- (c) Comply with the requirements set forth in Saf-C 600.

Env-Wm 809.04 Reclamation Facility Requirements. Owners and operators of facilities that reclaim spent lead-acid batteries and store the spent batteries prior to reclamation shall be subject to the following requirements:

- (a) Storage facility permit requirements under Env-Wm 353; and
- (b) Facility requirements as set forth in Env-Wm 700, except for:
 - (1) The waste analysis requirements of Env-Wm 707.02(b) and Env-Wm 708.02(b); and
 - (2) The manifest requirements of Env-Wm 703.

Adopt Env-Wm 1100, to read as follows:

CHAPTER Env-Wm 1100 REQUIREMENTS FOR UNIVERSAL WASTE MANAGEMENT

**PART Env-Wm 1101 PURPOSE, APPLICABILITY, EXEMPTIONS, AND
DEFINITIONS**

Env-Wm 1101.01 Purpose. The purpose of the rules in this chapter is to establish requirements that may be used, in lieu of the requirements specified in Env-Wm 300 through Env-Wm 700, to manage certain types of widely generated hazardous waste defined in Env-Wm 110.01(c) as "universal wastes". The rules in this chapter are designed to promote and encourage the collection and recycling of universal wastes in a manner that is protective of human health and the environment.

Env-Wm 1101.02 Applicability.

- (a) The rules of this chapter shall apply to persons managing universal wastes.
- (b) Persons managing universal waste that is imported from a foreign country or another state into New Hampshire shall be subject to the applicable requirements of this part, immediately after the waste enters New Hampshire, as indicated below:
 - (1) A universal waste handler shall be subject to the requirements of Env-Wm 502.01 and Env-Wm 1102 and the applicable requirements of Env-Wm 1103, Env-Wm 1104, or Env-Wm 1105, and Env-Wm 1109 through Env-Wm 1105;
 - (2) A universal waste transporter shall be subject to the requirements of Env-Wm 1106; and
 - (3) An owner or operator of a destination facility shall be subject to the requirements of Env-Wm 1107.
- (c) Nothing in the rules of this chapter shall be construed to mean that a universal waste handler is required to manage universal waste batteries in a manner that differs from the requirements of 40 CFR 273.

Env-Wm 1101.03 Definitions.

- (a) "Destination facility" means a facility that treats, disposes of, or recycles universal waste, except those management activities described in Env-Wm 1109 through Env-Wm 1114. The term does not include a facility at which universal waste is only accumulated.
- (b) "Large quantity handler" means a universal waste handler who accumulates greater than or equal to 5,000 kilograms, but less than 20,000 kilograms, combined total of universal waste listed in Env-Wm 110.01(c)(134), on-site at any one time.
- (c) "Small quantity handler" means a universal waste handler who accumulates less than 5,000 kilograms combined total of universal waste listed in Env-Wm 110.01(c)(134), on-site at any one time.

(d) "Very large quantity handler" means a universal waste handler who accumulates greater than or equal to 20,000 kilograms combined total of universal waste listed in Env-Wm 110.01(c)(134), on-site at any one time.

PART Env-Wm 1102 GENERAL REQUIREMENTS FOR ALL UNIVERSAL WASTE HANDLERS

Env-Wm 1102.01 Applicability. The rules in this part shall apply to all universal waste handlers.

Env-Wm 1102.02 Prohibitions.

(a) A universal waste handler shall not:

- (1) Dispose of universal waste; or
- (2) Dilute or treat universal waste, except by responding to releases as set forth in Env-Wm 1102.06 or by managing specific wastes as provided in Env-Wm 1109.03, Env-Wm 1111.03, Env-Wm 1113.03, and Env-Wm 1113.05.

(b) For the purposes of (a)(2) above, intentionally crushing or dismantling lamps shall be considered treatment and therefore require a permit in accordance with Env-Wm 353.

Env-Wm 1102.03 Waste Management Requirements.

(a) A universal waste handler shall manage:

- (1) Universal waste batteries in accordance with Env-Wm 1109;
- (2) Universal waste pesticides in accordance with Env-Wm 1110;
- (3) Universal waste mercury-containing devices in accordance with Env-Wm 1111;
- (4) Universal waste lamps in accordance with Env-Wm 1112;
- (5) Universal waste cathode ray tubes in accordance with Env-Wm 1113; and
- (6) Universal waste antifreeze in accordance with Env-Wm 1114.

(b) Universal waste shall be managed in a way that prevents the release of the universal waste, or any component of the universal waste, to the environment.

(c) When containment of a particular type of universal waste is required by the rules in Env-Wm 1109.03(a), Env-Wm 1110.04, Env-Wm 1111.03(a), Env-Wm 1111.03(b)(7), Env-Wm 1112.03(a), Env-Wm 1113.03(a), Env-Wm 1113.03 (b)(4) or Env-Wm 1114.03, the containers shall be:

- (1) Closed, except when universal waste is being added to or removed from the container;
- (2) Compatible with the universal waste and its contents; and
- (3) Free of defects, design characteristics, or damage that could result in leakage, spillage, or other environmental releases.

Env-Wm 1102.04 Accumulation Time Limits.

- (a) If accumulating universal waste, a universal waste handler shall:

- (1) Not accumulate universal waste for longer than one year from the date the universal waste becomes a waste or is received from another handler, unless the requirements of (b) below are met; and

- (2) Demonstrate the length of time that the waste has been accumulated from the date it becomes a waste by:

- a. Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;
- b. Marking or labeling each individual item of universal waste with the date it became a waste or was received;
- c. Maintaining an inventory system on-site that identifies the date each universal waste became a waste or was received;
- d. Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received;
- e. Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or
- f. Any other method that clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

- (b) A universal waste handler may accumulate universal waste for longer than one year from the date the universal waste becomes a waste or is received provided that:

- (1) The sole purpose of accumulation of such quantities of universal waste is necessary to facilitate proper recovery, treatment, or disposal; and
- (2) The handler provides proof thereof, such as, a letter or contract from a destination facility, confirming the purpose identified in (b)(1) above.

Env-Wm 1102.05 Outside Storage. Universal waste stored outside shall be covered to prevent precipitation from coming in contact with the waste.

Env-Wm 1102.06 Response to Releases.

(a) A universal waste handler shall respond to releases by:

(1) Immediately containing and cleaning up, within 24 hours, all releases of universal wastes and other residues from universal wastes; and

(2) Determining whether any material resulting from the release is hazardous waste.

(b) The handler shall report immediately, not to exceed one hour from the discovery of the release, any discharge of universal waste into storm or sanitary sewers, onto the land or into the air, groundwater or surface waters that poses a threat to human health or the environment to the following:

(1) Local emergency officials; and

(2) The department's emergency response telephone number at 603-271-3899, Monday through Friday, 8 a.m. to 4 p.m. or the New Hampshire department of safety telephone number at 1-800-346-4009 or 603-271-3636, 24 hours/day.

(c) The handler shall:

(1) Be considered the generator of any hazardous waste resulting from a release of universal waste; and

(2) Manage the hazardous waste in accordance with all applicable requirements of Env-Wm 400 through Env-Wm 800.

Env-Wm 1102.07 Off-site Shipments.

(a) A universal waste handler shall not send or take universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.

(b) If a handler self-transportes universal waste off-site, the handler shall comply with the requirements of Env-Wm 1106 while transporting the universal waste.

(c) If a universal waste being offered for off-site transportation meets the definition of hazardous materials under 49 CFR 171 through 49 CFR 180, 10-1-01 edition, the handler shall comply with the applicable DOT regulations under 49 CFR 172 through 180, 10-1-01 edition.

(d) Prior to shipping universal waste to another universal waste handler or to a destination facility, the handler who originated the shipment shall obtain approval from the receiving handler or destination facility.

(e) If the transporter is unable to deliver all or part of the universal waste shipment or if the receiving handler or destination facility rejects all or part of the universal waste shipment, the handler who originated the shipment shall either:

- (1) Receive the waste back when notified that the shipment has been rejected; or
 - (2) Designate an alternate destination facility to which the shipment will be sent; and
 - (3) Ensure the rejected universal waste is shipped to the destination facility designated in (e)(2) above.
- (f) A universal waste handler who rejects a shipment or a portion of a shipment shall:
- (1) Notify the handler who originated the shipment that the shipment has been rejected; and
 - (2) Send the shipment back to the handler who originated the shipment; or
 - (3) Send the shipment to the destination facility designated by the handler who originated the shipment.

(g) If a universal waste handler receives a shipment containing hazardous waste that is not a universal waste, the handler shall:

- (1) Immediately notify the department of the shipment;
- (2) Provide the name, address, and phone number of the originating shipper; and
- (3) Comply with the applicable requirements of Env-Wm 400 through Env-Wm 800 for managing the hazardous waste.

Env-Wm 1102.08 International Shipments. A universal waste handler who exports universal waste to a foreign destination shall:

- (a) Comply with the requirements applicable to a primary exporter in 40 CFR 262.53, 40 CFR 262.56(a)(1) through (4), (6), and (b) and 40 CFR 262.57, 7-1-01 edition;
- (b) Export such universal waste only upon consent of the receiving country and in conformance with the EPA Acknowledgment of Consent; and
- (c) Provide a copy of the EPA Acknowledgment of Consent for the shipment to the transporter exporting the universal waste.

**PART Env-Wm 1103 GENERAL REQUIREMENTS FOR SMALL QUANTITY
UNIVERSAL WASTE HANDLERS**

Env-Wm 1103.01 Applicability. The rules in this part shall apply to all small quantity universal waste handlers.

Env-Wm 1103.02 Notification. A small quantity handler of universal waste shall not be required to notify the department of universal waste handling activities.

Env-Wm 1103.03 Employee Training. A small quantity handler of universal waste shall inform all employees who handle or have responsibility for managing universal waste of proper waste handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility.

Env-Wm 1103.04 Tracking Universal Waste Shipments. A small quantity handler of universal waste shall not be required to keep records of shipments of universal waste.

PART Env-Wm 1104 GENERAL REQUIREMENTS FOR LARGE QUANTITY UNIVERSAL WASTE HANDLERS

Env-Wm 1104.01 Applicability. The rules in this part shall apply to all large quantity universal waste handlers.

Env-Wm 1104.02 Exemptions. The rules in Env-Wm 1104.03 shall not apply to a large quantity handler of universal waste batteries provided the handler:

- (a) Is managing only universal waste batteries;
- (b) Has notified the department of hazardous waste management activities in accordance with Env-Wm 504; and
- (c) Has received an EPA identification number in accordance with Env-Wm 505.

Env-Wm 1104.03 Notification.

(a) Before accumulating greater than or equal to 5,000 kilograms of universal waste, a large quantity handler shall notify the department by submitting to the department a completed New Hampshire notification form as described in Env-Wm 504.02.

(b) Notification shall include the following information:

- (1) The company name of the handler;
- (2) The mailing address of the handler;
- (3) The street address of the universal waste accumulation site;
- (4) A contact person, title, and telephone number;
- (5) The name of the company owner;

- (6) The name of the property owner of the accumulation site;
 - (7) Generator classification pursuant to Env-Wm 503, if applicable;
 - (8) A list of all the types of universal waste to be managed at the accumulation site;
 - (9) Universal waste handler classification indicating whether a large quantity handler or a very large quantity handler; and
 - (10) Certification by an authorized company official as to the accuracy of the information provided on the notification form.
- (c) A large quantity handler shall submit a notification form in accordance with (a) and (b) above for each on-site location where universal waste is accumulated.
- (d) An EPA identification number shall be issued by the department to a large quantity handler not already possessing an EPA identification number.
- (e) An EPA identification number shall be:
- (1) Site specific; and
 - (2) Remain valid until the handler notifies the department in writing that universal waste is no longer being accumulated on-site.
- (f) Unless the handler becomes a very large quantity handler, the designation as a large quantity handler of universal waste shall be retained through the end of the calendar year in which greater than or equal to 5,000 kilograms total of universal waste is accumulated at any one time.

Env-Wm 1104.04 Employee Training. A large quantity handler of universal waste shall ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relative to their responsibilities during normal facility operations and emergencies.

Env-Wm 1104.05 Tracking Universal Waste Shipments Received.

- (a) A large quantity handler of universal waste shall keep a record, which may take the form of a log, invoice, manifest, bill of lading, or other shipping document, of each shipment of universal waste received at the accumulation site.
- (b) The record for each shipment of universal waste received shall include the following information:
- (1) The name and address of the originating handler from whom the universal waste was sent;
 - (2) The quantity of each type of universal waste received; and

(3) The date of receipt of the shipment of universal waste.

(c) The records required by (a) and (b) above shall be retained for at least 3 years from the date a universal waste shipment is received.

Env-Wm 1104.06 Tracking Universal Waste Shipments Shipped Off-site.

(a) A large quantity handler of universal waste shall keep a record, which may take the form of a log, invoice, manifest, bill of lading, or other shipping document, of each shipment of universal waste sent from the handler to another facility.

(b) The record for each shipment of universal waste shall include the following information:

(1) The name and address of the universal waste handler, destination facility, or foreign destination to which the universal waste was sent;

(2) The quantity of each type of universal waste; and

(3) The date the shipment of universal waste left the handler's facility.

(c) The records required by (a) and (b) above shall be retained for at least 3 years from the date a universal waste shipment left the handler's facility.

PART Env-Wm 1105 GENERAL REQUIREMENTS FOR VERY LARGE QUANTITY UNIVERSAL WASTE HANDLERS

Env-Wm 1105.01 Applicability. The rules of this part shall apply to very large quantity universal waste handlers unless exempted pursuant to Env-Wm 1105.02.

Env-Wm 1105.02 Exemptions. The rules of this part shall not apply to a universal waste handler who is managing only universal waste batteries. Any such handler shall instead be regulated as a large quantity handler under Env-Wm 1104.

Env-Wm 1105.03 Notification.

(a) Before accumulating greater than or equal to 20,000 kilograms of universal waste, a universal waste handler shall notify the department by submitting a completed New Hampshire notification form as described in Env-Wm 504.02.

(b) The notification shall include the following information:

(1) The company name of the handler;

(2) The mailing address of the handler;

(3) The street address of universal waste accumulation site;

- (4) A contact person, title, and telephone number;
 - (5) The name of the company owner;
 - (6) The name of the property owner of the accumulation site;
 - (7) Generator classification pursuant to Env-Wm 503, if applicable;
 - (8) A list of all the types of universal waste to be managed at the accumulation site;
 - (9) Universal waste handler classification indicating whether a, large quantity handler or a very large quantity handler; and
 - (10) Certification by an authorized company official as to the accuracy of the information provided on the notification form.
- (c) A very large quantity handler shall submit a notification form for each on-site location where universal waste is accumulated.
- (d) An EPA identification number shall be issued to a very large quantity handler not already possessing an EPA identification number.
- (e) An EPA identification number shall be:
- (1) Site specific; and
 - (2) Remain valid until the handler notifies the department in writing that universal waste is no longer being accumulated on-site.
- (f) The designation as a very large quantity handler of universal waste shall be retained through the end of the calendar year in which greater than or equal to 20,000 kilograms total of universal waste is accumulated at any one time.

Env-Wm 1105.04 Prohibitions.

- (a) A very large quantity handler shall not store universal waste outside within a 100-year floodplain.
- (b) The department shall identify the location of any floodplains on which the accumulation site is located, based on the latest Flood Insurance Studies or flood hazard boundary maps prepared by the Federal Emergency Management Agency.

Env-Wm 1105.05 Employee Training. A very large quantity handler of universal waste shall ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures relative to their responsibilities during normal facility operations and emergencies.

Env-Wm 1105.06 Tracking Universal Waste Shipments Received.

(a) A very large quantity handler of universal waste shall keep a record, which may take the form of a log, invoice, manifest, bill of lading, or other shipping document, of each shipment of universal waste received at the facility.

(b) The record for each shipment of universal waste received shall include the following information:

- (1) The name and address of the originating universal waste handler or foreign shipper from which the universal waste was sent;
- (2) The quantity of each type of universal waste received; and
- (3) The date of receipt of the shipment of universal waste.

(c) Each record required by (a) and (b) above, shall be retained for at least 3 years from the date the universal waste shipment was received.

Env-Wm 1105.07 Tracking Universal Waste Shipments Shipped Off-site.

(a) A large quantity handler of universal waste shall keep a record, which may take the form of a log, invoice, manifest, bill of lading, or other shipping document, of each shipment of universal waste sent from the handler to other facilities.

(b) The record for each shipment of universal waste shall include the following information:

- (1) The name and address of the universal waste handler, destination facility, or foreign destination to which the universal waste was sent;
- (2) The quantity of each type of universal waste; and
- (3) The date the shipment of universal waste left the handler's facility.

(c) Each record required by (a) and (b) above, shall be retained for at least 3 years from the date the universal waste shipment was sent.

Env-Wm 1105.08 Inspections.

(a) A very large quantity handler shall:

- (1) Inspect areas where universal waste is stored at least weekly for leaks and deterioration caused by corrosion and other factors; and
- (2) Record inspections in an inspection log or summary.

(b) The inspection log or summary required pursuant to (a)(2) above shall include the following information:

- (1) The date and time of inspection;
- (2) The name of the inspector;
- (3) A notation of the observations made; and
- (4) The date and nature of any repairs or other remedial actions.

(c) Each record required by (a) and (b) above, shall be retained for at least 3 years from the date of the last inspection.

Env-Wm 1105.09 Contingency Plans and Emergency Procedures. Each very large quantity handler shall have a contingency plan on-site in accordance with 40 CFR 265 Subpart D, 7-1-01 edition.

Env-Wm 1105.10 Preparedness and Prevention. A very large quantity handler shall:

(a) Keep the following equipment appropriate for the types and quantities of waste being accumulated on-site at all times:

- (1) Portable fire extinguishers;
- (2) Fire control equipment, including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals;
- (3) Spill control equipment; and
- (4) Decontamination equipment;

(b) Maintain aisle space to allow the unobstructed movement of personnel, fire control equipment, spill control equipment, and decontamination equipment to any area of the universal waste storage area; and

(c) Post the following emergency telephone numbers and information at the nearest telephone to each universal waste pesticide storage area:

- (1) The local fire department's local telephone number or 911 or both;
- (2) The local police department's local telephone number or 911 or both;
- (3) The department's emergency response telephone number at 603-271-3899 for use Monday through Friday, 8 a.m. to 4 p.m.;
- (4) The New Hampshire department of safety telephone number at 1-800-346-4009 for use 24 hours/day;
- (5) The local response team(s) telephone number; and

- (6) The steps to take in an emergency.

Env-Wm 1105.11 Security. A very large quantity handler shall provide the following security measures at all outdoor universal waste storage areas:

- (a) An artificial or natural barrier that completely surrounds the universal waste storage area to prevent the unauthorized or unknowing entry of persons or livestock;
- (b) An entry(ies) to the storage area that is controlled at all times; and
- (c) At each entry to the universal waste storage area, a sign with the legend, "Danger - Unauthorized Personnel Keep Out," or other words indicating that only authorized personnel are allowed to enter the area and that entry can be dangerous.

Env-Wm 1105.12 Closure. A very large quantity handler shall meet the closure requirements of 40 CFR 265.111 through 40 CFR 265.115, 7-1-01 edition.

Env-Wm 1105.13 Financial Assurance. A very large quantity handler shall meet the financial assurance requirements of 40 CFR 265.142 and 265.143, 7-1-01 edition, prior to accumulating universal waste.

PART Env-Wm 1106 STANDARDS FOR UNIVERSAL WASTE TRANSPORTERS

Env-Wm 1106.01 Applicability. The rules in this part shall apply to universal waste transporters.

Env-Wm 1106.02 Prohibitions.

- (a) A universal waste transporter shall not:
 - (1) Dispose of universal waste; and
 - (2) Dilute or treat universal waste, except by responding to releases as set forth in Env-Wm 1106.05.
- (b) For the purposes of (a)(2) above, intentionally crushing lamps shall be considered treatment and therefore require a permit in accordance with Env-Wm 353.

Env-Wm 1106.03 Waste Management. If the universal waste being transported meets the criteria for one or more hazardous classes specified in 49 CFR 173.2, 10-1-01 edition, a universal waste transporter shall comply with all applicable DOT regulations in 49 CFR 171 through 180, 10-1-01 edition, for transport of any universal waste that meets the definition of "hazardous material" in 49 CFR 171.8.

Env-Wm 1106.04 Storage Time Limits. If a universal waste transporter stores universal waste for more than 10 days, the transporter shall comply with the following:

- (a) The universal waste handler requirements of Env-Wm 1102;
- (b) Env-Wm 1103, if a small quantity handler;
- (c) Env-Wm 1104, if a large quantity handler;
- (d) Env-Wm 1105, if a very large quantity handler; and
- (e) The waste management requirements of Env-Wm 1109 through Env-Wm 1114, as applicable.

Env-Wm 1106.05 Response to Releases.

- (a) A universal waste transporter shall respond to releases by:
 - (1) Immediately containing and cleaning up, within 24 hours, all releases of universal wastes and other residues from universal wastes; and
 - (2) Determine whether any material resulting from the release is hazardous waste.
- (b) The transporter shall report immediately, not to exceed one hour from the discovery of the release, any discharge of universal waste into storm or sanitary sewers, onto the land or into the air, groundwater or surface waters that poses a threat to human health or the environment to the following:
 - (1) Local emergency officials;
 - (2) The department's emergency response telephone number at 603-271-3899 for use Monday through Friday, 8 a.m. to 4 p.m. or the New Hampshire department of safety telephone number at 1-800-346-4009 or 1-603-271-3636, 24 hours/day.
- (c) The universal waste transporter shall:
 - (1) Be considered the generator of any hazardous waste resulting from a release of universal waste; and
 - (2) Manage the hazardous waste in accordance with all applicable requirements of applicable requirements of Env-Wm 400 through Env-Wm 800.

Env-Wm 1106.06 Off-site Shipments.

- (a) A universal waste transporter shall be prohibited from transporting the universal waste to a place other than a universal waste handler, a destination facility, or a foreign destination.
- (b) If the universal waste being shipped off-site meets the DOT's definition of hazardous materials under 49 CFR 171.8, the shipment shall be properly described on a shipping paper in accordance with the applicable DOT regulations under 49 CFR 172, 7-1-01 edition.

Env-Wm 1106.07 International Shipments.

(a) A universal waste transporter transporting a shipment of universal waste to a foreign destination shall not accept a shipment if the transporter knows the shipment does not conform to the EPA Acknowledgment of Consent.

(b) The transporter shall ensure that:

(1) A copy of the EPA Acknowledgment of Consent accompanies the shipment; and

(2) The shipment is delivered to the facility designated by the handler originating the shipment.

PART Env-Wm 1107 STANDARDS FOR DESTINATION FACILITIES

Env-Wm 1107.01 Applicability.

(a) Except as provided in (b) below, the rules in Env-Wm 300 and Env-Wm 700 shall apply to owners and operators of destination facilities.

(b) The rules in Env-Wm 300 and Env-Wm 700 shall not apply to owners and operators of destination facilities that recycle universal waste without storing the waste before it is recycled provided they comply with the following requirements:

(1) The notification requirements as set forth in Env-Wm 702; and

(2) The manifest requirements as set forth in Env-Wm 703.

Env-Wm 1107.02 Off-site Shipments.

(a) An owner or operator of a destination facility shall not send or take universal waste to a place other than a universal waste handler, another destination facility, or a foreign destination.

(b) An owner or operator of a destination facility who rejects a shipment or a portion of a shipment shall:

(1) Notify the handler who originated the shipment that the shipment has been rejected; and

(2) Send the shipment back to the handler who originated the shipment; or

(3) Send the shipment to another destination facility designated by the handler who originated the shipment.

(c) If an owner or operator of a destination facility receives a shipment containing hazardous waste that is not a universal waste, the owner or operator of the destination facility shall:

- (1) Immediately notify the department of the shipment;
- (2) Provide the name, address, and phone number of the shipper; and
- (3) Comply with the applicable requirements of Env-Wm 400 through Env-Wm 800 for managing the hazardous waste.

Env-Wm 1107.03 Tracking Universal Waste Shipments.

(a) The owner or operator of a destination facility shall keep a record, which may take the form of a log, invoice, manifest, bill of lading, or other shipping document, of each shipment of universal waste received at the facility.

(b) The record for each shipment of universal waste received shall include the following information:

- (1) The name and address of the universal waste handler, destination facility, or foreign shipper from whom the universal waste was sent;
- (2) The quantity of each type of universal waste received;
- (3) The date of receipt of the shipment of universal waste.

(c) The owner or operator of a destination facility shall retain the records described in (a) and (b) above for at least 3 years from the date of receipt of a shipment of universal waste.

PART Env-Wm 1108 PETITION TO INCLUDE OTHER UNIVERSAL WASTES

Env-Wm 1108.01 Universal Waste Petition Information Requirements.

(a) Any person seeking to add a hazardous waste or a category of hazardous waste to this part may petition for an amendment to Env-Wm 1100 in accordance with:

- (1) This part;
- (2) Env-Wm 216; and
- (3) 40 CFR 273 Subpart G, 7-1-01 edition.

(b) The petitioner shall submit the following information, in writing, to the department:

- (1) The petitioner's name and address;
- (2) A statement explaining why the petitioner believes that the waste is a universal waste;
- (3) A description of the type of waste proposed to be included as a universal waste;

- (4) A description of the methods by which the waste can be managed;
- (5) A statement of the need and justification for adding the proposed waste to Env-Wm 1100 based upon the criteria in Env-Wm 1108.02, including any supporting tests, studies, or other pertinent information;
- (6) A statement explaining how the proposed universal waste will improve management practices for the waste or category of waste; and
- (7) A statement explaining how the proposed universal waste will improve implementation of the hazardous waste program.

Env-Wm 1108.02 Universal Waste Petition Approval or Denial. The department shall:

- (a) Evaluate petitions using the factors listed in 40 CFR 273.81, 7-1-01 edition; and
- (b) Grant the petition if listing the waste or category of waste as a universal waste meets the criteria of 40 CFR 273.80(c), 7-1-01 edition and 40 CFR 273.81, 7-1-01 edition; and
- (c) If the petition is granted, initiate a rulemaking proceeding in accordance with Env-C 207.

PART Env-Wm 1109 UNIVERSAL WASTE BATTERIES

Env-Wm 1109.01 Applicability.

- (a) The rules in this part shall apply to all universal waste handlers of batteries, except as provided in (b) below.
- (b) The rules in this part shall not apply to persons managing spent lead-acid batteries under Env-Wm 809.04.

Env-Wm 1109.02 Generation of Universal Waste Batteries.

- (a) A used battery that is no longer operable shall become a waste the date it is removed from service.
- (b) A used battery that is still operable and has been removed from service shall become a waste the date the handler decides to discard it.
- (c) An unused battery shall become a waste the date the handler decides to discard it.

Env-Wm 1109.03 Requirements for Waste Management of Universal Waste Batteries.

- (a) A universal waste handler shall contain, using a container that meets the requirements of Env-Wm 1102.03(c), any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage.

(b) A universal waste handler shall not conduct the following activities unless the requirements of (c) below are met:

- (1) Sorting batteries by type;
- (2) Mixing battery types in one container;
- (3) Discharging batteries so as to remove the electric charge;
- (4) Regenerating used batteries;
- (5) Disassembling batteries or battery packs into individual batteries or cells;
- (6) Removing batteries from consumer products; or
- (7) Removing electrolyte from batteries.

(c) A universal waste handler who conducts the activities listed in (b) above, shall:

- (1) Ensure the casing of each individual battery cell is:
 - a. Not breached;
 - b. Intact;
 - c. Closed except to remove electrolyte; and
 - d. Immediately closed after electrolyte removal; and
- (2) Determine whether the following exhibit a characteristic of hazardous waste as identified in Env-Wm 403:
 - a. Electrolyte removed from batteries; and
 - b. Other waste generated as a result of the removal of electrolyte, such as, battery pack materials and discarded consumer products.

(d) If the electrolyte or other waste or both described in (c)(2) above exhibits a characteristic of hazardous waste, the handler shall:

- (1) Be considered the generator of the electrolyte or other waste or both; and
- (2) Comply with all applicable requirements of Env-Wm 400 through Env-Wm 800.

Env-Wm 1109.04 Labeling/Marking of Batteries. A universal waste handler of batteries shall clearly label or mark each universal waste battery or containers holding batteries with any one, two, or all of the following:

- (a) "Universal Waste - Battery(ies)";
- (b) "Waste Battery(ies)"; or
- (c) "Used Battery(ies)."

PART Env-Wm 1110 UNIVERSAL WASTE PESTICIDES

Env-Wm 1110.01 Applicability.

- (a) The rules in this part shall apply to persons managing the following pesticides:

- (1) Recalled pesticides that are:

- a. Suspended and canceled pesticides that are part of a voluntary or mandatory recall under the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136 - 136y (FIFRA) Section 19(b), including, but not limited to, those owned by the registrant responsible for conducting the recall; or

- b. Suspended or canceled pesticides, or pesticides that are not in compliance with FIFRA, that are part of a voluntary recall by the registrant; and

- (2) Other unused pesticides that are collected and managed as part of a waste pesticide collection program administered or recognized by the department or the New Hampshire department of agriculture.

- (b) The rules in this part shall not apply to persons managing pesticides that do not meet the criteria of (a) above, but instead these persons shall be subject to the applicable requirements of Env-Wm 300 through Env-Wm 800.

Env-Wm 1110.02 Exemptions. The rules in this part shall not apply to pesticides that are managed by farmers in compliance with Env-Wm 501.02.

Env-Wm 1110.03 Generation of Waste Pesticides.

- (a) A recalled pesticide described in Env-Wm 1110.01(a) shall become a waste on the first date on which both of the following occur:

- (1) The generator of the recalled pesticide agrees to participate in the recall; and

- (2) The person conducting the recall decides to discard the pesticide.

- (b) An unused pesticide described in Env-Wm 1110.01(a)(2) shall become a waste on the date the generator decides to discard it.

- (c) A pesticide that is not a waste shall remain subject to the requirements of FIFRA.

Env-Wm 1110.04 Requirements for Waste Management of Universal Waste Pesticides. A universal waste handler shall contain universal waste pesticides in one or more of the following:

- (a) A container that meets the requirements of Env-Wm 1102.03(c);
- (b) A container that does not meet the requirements of Env-Wm 1102.03(c), provided that the unacceptable container is overpacked in a container that does meet the requirements of Env-Wm 1102.03(c);
- (c) A tank that meets the requirements of 40 CFR 265 Subpart J, 7-1-01 edition, except for 40 CFR 265.197(c), 40 CFR 265.200, and 40 CFR 265.201; or
- (d) A transport vehicle or vessel that meets the requirements of Env-Wm 1102.03(c).

Env-Wm 1110.05 Labeling/Marking of Pesticides.

(a) A container, multiple container package unit, tank, transport vehicle or vessel in which recalled universal waste pesticides described in Env-Wm 1110.01(a) are contained shall be clearly labeled or marked with:

- (1) The label that was on or accompanied the pesticide product as sold or distributed; and
- (2) The words "Universal Waste - Pesticide(s)" or "Waste - Pesticide(s)."

(b) A container, tank, or transport vehicle or vessel in which unused pesticide products as described in Env-Wm 1110.01(b) are contained shall be clearly labeled or marked with:

- (1) The label that was on the pesticide product when purchased, if still legible;
- (2) If using the label described in (1) above is not feasible, the appropriate label as required under the DOT regulations 49 CFR 172, 10-1-01 edition; or
- (3) If using the labels described in (1) and (2) above is not feasible, another label prescribed or designated by the waste pesticide collection program administered or recognized by the department or the New Hampshire department of agriculture; and
- (4) The words "Universal Waste - Pesticide(s)" or "Waste - Pesticide(s)."

Env-Wm 1110.06 Storage of Universal Waste Pesticides.

- (a) Universal waste pesticides shall be stored on an impervious surface.
- (b) An impervious surface shall:
 - (1) Include concrete or asphalt without cracks or holes; and

(2) Not include earth, wood or gravel surfaces.

(c) For one day collections, in lieu of (b)(1) above, plastic sheeting with a minimum thickness of 6 millimeters may be used as an impervious surface for storing universal waste pesticides on collection day.

(d) Except as provided in (e) below, universal waste pesticides shall not be stored in areas with functional floor drains or manholes present unless secondary containment is provided around all universal waste pesticides container storage areas, capable of containing the volume of the largest capacity universal waste pesticides container present.

(e) The containment system required by (d) above shall not be required for universal waste pesticides storage areas that store containers holding only wastes that do not contain free liquids provided that:

(1) The universal waste pesticides storage area is sloped or is otherwise designed to drain and remove liquid resulting from precipitation; or

(2) The containers are elevated or otherwise protected from contact with accumulated liquid.

Env-Wm 1110.07 Preparedness and Prevention. A universal waste handler of pesticides shall:

(a) Keep the following equipment appropriate to the types and quantities of waste pesticide being accumulated on-site at all times:

(1) Portable fire extinguishers;

(2) Fire control equipment, including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals;

(3) Spill control equipment; and

(4) Decontamination equipment;

(b) Maintain aisle space to allow the unobstructed movement of personnel, fire control equipment, spill control equipment, and decontamination equipment to any area of the universal waste storage area; and

(c) Post the following emergency telephone numbers and information at the nearest telephone to each universal waste pesticide storage area:

(1) The local fire department's local telephone number or 911 or both;

(2) The local police department's local telephone number or 911 or both;

(3) The department's emergency response telephone number at 603-271-3899 for use Monday through Friday, 8 a.m. to 4 p.m.;

- (4) The New Hampshire department of safety telephone number at 1-800-346-4009 for use 24 hours/day;
- (5) The local response team(s) telephone number; and
- (6) The steps to take in an emergency.

Env-Wm 1110.08 Security. A universal waste handler of pesticides shall provide the following security measures at all outdoor universal waste storage areas:

- (a) An artificial or natural barrier that completely surrounds the universal waste pesticide storage area to prevent the unauthorized or unknowing entry of persons or livestock;
- (b) An entry(ies) to the storage area that is controlled at all times; and
- (c) At each entry to the universal waste storage area, a sign with the legend, "Danger - Unauthorized Personnel Keep Out," or other words indicating that only authorized personnel are allowed to enter the area and that entry can be dangerous.

Env-Wm 1110.09 Additional Training for Pesticides Handlers. A universal waste handler of pesticides shall comply with the personnel training requirements in 40 CFR 265.16, 7-1-01 edition.

Env-Wm 1110.10 Health and Safety. A universal waste handler of pesticides shall comply with the New Hampshire department of labor rules in Lab 1400 "Safety and Health of Employees."

PART Env-Wm 1111 UNIVERSAL WASTE MERCURY-CONTAINING DEVICES

Env-Wm 1111.01 Applicability. This part shall apply to all universal waste handlers of mercury-containing devices.

Env-Wm 1111.02 Generation of Universal Waste Mercury-Containing Devices.

- (a) A used mercury-containing device that is no longer operable shall become a waste the date it is removed from service.
- (b) A used mercury-containing device that is still operable and has been removed from service shall become a waste the date the handler decides to discard it.
- (c) An unused mercury-containing device shall become a waste the date the handler decides to discard it.

Env-Wm 1111.03 Requirements for Waste Management of Universal Waste Mercury-Containing Devices.

(a) A universal waste handler shall contain, using a container that meets the requirements of Env-Wm 1102.03(c), any mercury-containing device that shows evidence of leakage, spillage, or damage that could cause leakage.

(b) A universal waste handler shall not remove mercury-containing ampules from universal waste mercury-containing devices unless the handler:

- (1) Removes the ampules in a manner designed to prevent breakage of the ampules;
- (2) Removes ampules only over or in a containment device, such as, a tray or pan that will collect and contain any mercury released from an ampule in case of breakage;
- (3) Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, as specified in (4) below;
- (4) Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of Env-Wm 507;
- (5) Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;
- (6) Ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;
- (7) Stores removed ampules in containers that meet the requirements of Env-Wm 1102.03(c); and
- (8) Packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation.

(c) An intact mercury-containing ampule that has been removed in accordance with (b) above may be handled as a universal waste.

(d) A universal waste handler who removes mercury-containing ampules from mercury-containing devices shall determine whether the following materials exhibit a characteristic of hazardous waste identified in Env-Wm 403:

- (1) Mercury clean-up residues or other wastes resulting from spills or leaks; and
- (2) Other waste generated as a result of the removal of mercury-containing ampules, such as, remaining thermostat units.

(e) If the mercury residues, or other waste, or any combination of the above described in (d) above exhibit a characteristic of hazardous waste, the handler shall:

- (1) Be considered the generator of the mercury, residues, or other waste, or both; and
- (2) Comply with all applicable requirements of Env-Wm 400 through Env-Wm 800.

Env-Wm 1111.04 Labeling/Marking of Mercury-Containing Devices. A universal waste handler of mercury-containing devices shall clearly label or mark each universal waste mercury-containing device or container(s) holding mercury-containing devices with any one, two, or all of the following:

- (a) "Universal Waste - Mercury-Containing Device(s);
- (b) "Waste Mercury-Containing Device(s)"; or
- (c) "Used Mercury-Containing Device(s)."

PART Env-Wm 1112 UNIVERSAL WASTE LAMPS

Env-Wm 1112.01 Applicability. The rules in this part shall apply to all universal waste handlers of lamps.

Env-Wm 1112.02 Generation of Universal Waste Lamps.

- (a) A used lamp that is burned out shall become a waste the date it is removed from service.
- (b) A used lamp that is not burned out and has been removed from service shall become a waste the date the handler decides to discard it.
- (c) An unused lamp shall become a waste the date the handler decides to discard it.

Env-Wm 1112.03 Requirements for Waste Management of Universal Waste Lamps.

(a) Intact and broken lamps shall be stored in container(s) that meet the requirements of Env-Wm 1102.03(c).

(b) A universal waste handler shall not intentionally crush or dismantle universal waste lamp(s) unless a permit has been obtained in accordance with Env-Wm 353.

Env-Wm 1112.04 Labeling/Marking of Lamps. A universal waste handler of lamps shall clearly label or mark each lamp or container(s) holding universal waste lamps with any one, two, or all of the following:

- (a) "Universal Waste - Lamps(s);
- (b) "Waste Lamp(s)"; or
- (c) "Used Lamp(s)."

PART Env-Wm 1113 UNIVERSAL WASTE CATHODE RAY TUBES

Env-Wm 1113.01 Applicability. This part shall apply to all universal waste handlers of cathode ray tubes.

Env-Wm 1113.02 Generation of Universal Waste Cathode Ray Tubes. A used or unused cathode ray tube shall become a waste the date it is determined to be not repairable or reusable for its originally intended purpose.

Env-Wm 1113.03 Requirements for Waste Management of Universal Waste Cathode Ray Tubes.

(a) Any cathode ray tube that shows evidence of breakage, spillage, or damage that could cause release of glass particles shall be contained, using a container that meets the requirements of Env-Wm 1102.03(c).

(b) A universal waste handler of cathode ray tube(s) shall not intentionally break or shred universal waste cathode ray tube(s) unless the handler:

- (1) Installs and maintains system(s) designed to minimize releases via wind dispersal, run-off, and direct releases to the soil;
- (2) Uses breaking, shredding, or storage practices that do not pose a hazard to human health or the environment;
- (3) Prevents exposure of humans or the environment to harmful quantities of lead or other hazardous constituents;
- (4) Stores shredded and broken cathode ray tubes or components or both in closed, non-leaking containers that meet the requirements of Env-Wm 1102.03(c);
- (5) Before transporting or offering shredded cathode ray tubes or components or both for transport, packages the shredded cathode ray tubes or components or both in containers that are:
 - a. Impermeable;
 - b. Closed; and
 - c. Designed to prevent releases to the environment.

(c) A universal waste handler who shreds or intentionally breaks cathode ray tubes shall determine whether the following materials exhibit a characteristic of hazardous waste identified in Env-Wm 400:

- (1) Clean-up residues resulting from spills or leaks; and

(2) Other waste generated from the shredding or breaking of cathode ray tubes, such as:

- a. Residual waste from pollution control devices;
- b. Blast media;
- c. Cleaning media;
- d. Floor sweepings; or
- e. Glass fines.

(d) If the residues, or other waste, or both described in (c) above exhibit a characteristic of hazardous waste, the handler shall be considered the generator of the residues or other waste or both and manage them in accordance with applicable requirements of Env-Wm 400 through Env-Wm 800.

Env-Wm 1113.04 Labeling/Marking of Cathode Ray Tubes. A universal waste handler of cathode ray tubes shall clearly label or mark each universal waste cathode ray tube, or containers holding intact, shredded, or broken universal waste cathode ray tubes with any or all of the following:

- (a) "Universal Waste - Cathode Ray Tube(s)";
- (b) "Waste Cathode Ray Tube(s)"; or
- (c) "Used Cathode Ray Tube(s)."

PART Env-Wm 1114 UNIVERSAL WASTE ANTIFREEZE

Env-Wm 1114.01 Applicability. The rules in this part shall apply to all universal waste handlers of antifreeze.

Env-Wm 1114.02 Generation of Universal Waste Antifreeze.

(a) Used antifreeze shall become a waste on the date which, through use or handling, the antifreeze has become unsuitable for its original purpose due to the presence of physical or chemical impurities or loss of original properties;

(b) Unused antifreeze shall become a waste the date the handler decides to discard it.

Env-Wm 1114.03 Requirements for Waste Management of Universal Waste Antifreeze. A universal waste handler shall contain universal waste antifreeze in tank(s) or container(s) that meet the requirements of Env-Wm 1102.03(c).

Env-Wm 1114.04 Labeling/Marking of Antifreeze. A universal waste handler of antifreeze shall clearly label or mark the container(s), and tank(s) holding antifreeze with any or all of the following:

- (a) "Universal Waste - Antifreeze";
- (b) "Waste Antifreeze"; or
- (c) "Used Antifreeze."